

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

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Investigation by the Department of Telecommunications)	
and Energy on its own motion pursuant to G.L. c. 159,)	
§§ 12 and 16, into Verizon New England Inc., d/b/a)	D.T.E. 01-34
Verizon Massachusetts' provision of Special Access)	
Services)	
)	

REPLY OF VERIZON MASSACHUSETTS

Verizon Massachusetts ("Verizon MA") hereby replies to AT&T Communications of New England, Inc.'s ("AT&T") Objection to the Admission of Verizon MA Exhibit 4. That exhibit consists of copies of two complete bills from AT&T Broadband to Verizon as a commercial customer of cable services provided at two business locations: 125 High Street, Boston, Massachusetts and 251 Locke Drive, Marlboro, Massachusetts.

The grounds for AT&T's objection are that Verizon MA's exhibit: (1) has not been authenticated; (2) does not adequately explain the services provided by AT&T Broadband; and (3) is not relevant to the scope of this investigation, "namely the provisioning of *telephone* service."¹ AT&T is wrong on all counts.

AT&T does not deny that the exhibit contains copies of authentic bills rendered by AT&T Broadband to Verizon, only that those actual bills have not been properly

¹ It is unclear what AT&T's comment means that this investigation relates to "telephone services" since special access services can be used for voice (analog) or data (digital) services.

authenticated. While AT&T admits that the bills demonstrate that AT&T Broadband provides services to Verizon over *cable* plant, AT&T asserts that the exhibit does not adequately identify the services provided by AT&T Broadband. In addition, AT&T concludes that the exhibit is not relevant because it does not relate to *telephone* services. AT&T's arguments are not only disingenuous, but contradictory.

Contrary to AT&T's claims, Verizon MA Exhibit 4 has been properly identified, and is relevant to the issues raised in this proceeding. Although this is a commercial bill, the terminology used to identify the type of cable services and equipment provided by AT&T Broadband to Verizon is identical to the nomenclature used by AT&T Broadband in its residence cable service bills. Rate schedules for those cable services are approved by the Cable Division and on file with the Department. Therefore, the line items that appear on Verizon's commercial (business) service cable bills in Verizon MA Exhibit 4 are consistent with those appearing on AT&T Broadband's residence cable service bills, and no further explanation is required.

AT&T further contends that Verizon MA Exhibit 4 should not be admitted into evidence because it does not demonstrate that the cable plant used to provide AT&T Broadband's services is relevant to - or even capable of - providing telephone services. AT&T misses the point entirely. AT&T raised the issue in this investigation that, in most cases, it is "not feasible or economical" for AT&T to build facilities to an end user's premises and, therefore, AT&T relies on Verizon MA for connectivity. Exh. ATT 1, at 4. As support for its position, AT&T cited the testimony of Anthony Fea in D.T.E. 01-31, which described the various obstacles, including lack of building access, to provide such facilities. Exh. ATT 1, Exhibit D, at 11-16.

In response to AT&T, Verizon MA stated in testimony that “[e]ven if there are currently routes where Verizon MA may be the only provider (ILEC) of special access, there are no major obstacles for other carriers to deploy competitive facilities, either by self-provisioning or utilizing an alternative provider.” Exh. VZ MA 1, at 14-15. As an example, Verizon MA cited AT&T Broadband’s physical presence in approximately 101 Massachusetts cities and towns, which may enable AT&T to provision special access services to its end-user customers in those areas. *See* AT&T Broadband Massachusetts Tariff No. 1 Section 2.2.B.

AT&T subsequently replied that “AT&T Broadband does not even have facilities linking its existing cable plant to Massachusetts businesses.” Exh. ATT 2, at 22 n.7. Recently, AT&T’s witness reiterated her belief that AT&T Broadband has no facilities that enter an office building in Massachusetts. Tr. 478-79. Verizon MA Exhibit 4 directly contradicts AT&T’s testimony, and is germane to the issue of whether AT&T, as an alternative, may be capable of connecting to end user premises in Massachusetts.

For the foregoing reasons, the Department should reject AT&T's arguments, and admit Verizon MA Exhibit 4 into evidence. Contrary to AT&T's claims, that exhibit is relevant and relates to matters at issue in this investigation. Accordingly, while AT&T's objection may arguably apply to the weight given that exhibit, it would not determine its admissibility as evidence.

Respectfully submitted,

VERIZON MASSACHUSETTS

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